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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/506,107	02/17/00	KIKINIS	D P1534D1

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EXAMINER

COULTER, K

/0

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/506,107

Applicant(s)  
Dan Kikinis

Examiner  
Kenneth R. Coulter

Art Unit  
2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-20, 22-26, and 28-33 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-19, 22-25, 28-31, and 33 is/are rejected.
- 7) ☒ Claim(s) 20, 26, and 32 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17 - 19, 22 - 25, 28 - 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (U.S. Pat. No. 5,764,235) (Computer Implemented Method and System for Transmitting Graphical Images from Server to Client at User Selectable Resolution).

- 2.1 Regarding claim 17, Hunt discloses a computing system comprising:

a client (Figs. 1A and 1B, item 104; Fig. 2, item 204; Abstract); and

a server having server control routines and connected to the client by a data link (Figs. 1A and 1B, items 102, 104, 106, 108; Fig. 2, items 202, 204, 206; Abstract);

wherein the server control routines, upon a request to download by a client, determine one or both of hardware or software characteristics of the client, transpose (customize) data, without further negotiation with the client, and transmit the transposed (customized) data to the client in a form specifically adapted to the characteristics of the client, and wherein, in the transposing

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(customizing), a image file is transposed (customized) into a second image file smaller in size than the first image file (Abstract; col. 2, lines 30 - 42).

The invention provides a solution to these and other problems by **customizing the amount of image data to be transmitted in accordance with client *and/or* server supplied information.** (col. 6, lines 16 - 19).

The web server 202 then in turn sends the corresponding web page **HTML file** to the web browser 204 over a link 210. (col. 5, lines 44 - 46).

However, Hunt does not explicitly disclose a “*set of files*” but rather **image files** (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a “set of files” in Hunt because Hunt discloses an art recognized equivalent **image files**.

In addition, Hunt does not explicitly disclose that data downloaded to the client includes HTML files; in particular sending reduced information HTML files from the server to the client.

Hunt does disclose the downloading of image files to the client (web browser) from the server (web server) (Fig. 2; col. 6, lines 16 - 27).

In addition, Hunt discloses the downloading of the web page HTML file to the client (web browser) from the server (col. 5, lines 44 - 46).

Hunt teaches that the conservation of bandwidth in the downloading of data from server to client is of great importance (“saving precious network bandwidth”; Abstract)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to send reduced information HTML files from the server to the client in Hunt because this action would additionally conserve bandwidth, which is of great importance in Hunt.

2.2 Per claim 18, Hunt teaches that the second image file comprises a single file (col. 1, lines 48 - 52).

2.3 Regarding claim 19, Hunt discloses that the size of the image file is a function of the characteristics of the client (Abstract).

2.4 Regarding claim 22, Hunt discloses that the client transfers to the server information particular to the hardware or software characteristics of the client, and wherein the server incorporates the information in transposing data for transfer to the client (Abstract; col. 2, lines 15 - 30).

However, Hunt does not explicitly disclose that the client transfers this information **upon log-in at the server**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the transfer of client characteristics to the server **upon log-in at the server** because such at log-in is the logical time to implement the transfer of client characteristics because the client characteristics are necessary to customize the information download from server to client;

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and customized downloading can not occur until these client characteristics are known to the server.

2.5 Per claims 23 - 25, 28 - 31 and 33, the rejection of claims 17 - 19, 21, and 22 applies fully.

***Response to Arguments***

3. Applicant's arguments filed 6/26/2001 (paper #8; Amendment C) have been fully considered but they are not persuasive.

3.1 All of Applicant's arguments are answered in the revised rejection under 35 USC 103 in view of Hunt (paragraphs 2.1 - 2.5 above).

***Allowable Subject Matter***

4. Claims 20, 26, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Coulter whose telephone number is (703) 305-8447.

KENNETH R. COULTER  
PRIMARY EXAMINER  


krc

October 9, 2001